

IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

**F033824      Lasoya v. Klein**  
**F035548      In re Andrew B., a Minor**  
**F035800      In re James R., a Minor**  
**F035919      People v. Sanders**  
**F035937      In re Daniel W., a Minor**  
**F036327      People v. Jaramillo**

Contempt Hearing on Orders to Show Cause as to Helyn A. Johnson, Official Reporter of the Superior Court, County of Fresno, called with the subject of said Contempt Hearing on the Orders to Show Cause present with counsel Franz Criego. Also, present was Michael Weinberg, Associate Executive Officer of the Superior Court, County of Fresno, and Matilda Molina, Judicial Assistant for the Superior Court of Fresno County. Matter was previously continued on calendar for determination of whether or not Helyn A. Johnson, Official Reporter, has completed all of the transcripts before this court and also the issue of the court's judgment originally imposed. The court discussed with Mr. Franz Criego, counsel for Helyn A. Johnson, letters the court has received. One letter informed the court Ms. Johnson is receiving counseling. Another letter from Mr. Criego to superior court expressed concern over ex parte communication. The Court informed Mr. Criego it had no direct communication on this matter with superior court personnel.

Matilda Molina, Judicial Assistant for the Superior Court of Fresno County reported Helyn A. Johnson has completed all of the above-entitled cases. Ms. Molina also verified the following cases, in which Ms. Johnson is responsible for transcripts have been lodged, reviewed, and filed by the superior court: People v. Haaland, F036474; People v. Dotson, F036683; People v. Parks, F036855; People v. Coldren, F035503; People v. Popov, F037148 and People v. Gastello, F037259. Ms. Molina also verified the following cases have been lodged with the superior court and are currently being reviewed: Marriage of Papazian, F037053; People v. Yang, et al., F037426; People v. Caldera, F037430; In re Matthew K., a Minor, F037442; People v. Tyler, F037534; People v. Garza, F037567. Cases in which notices of appeal have been filed and the records to be prepared by Helyn A. Johnson are not yet due are: People v. McCombs, F036894; Veen v. King, F037367; People v. Wheeler, F036724, and Ellis v. Clovis Unified School District, F037403. Counsel for Ms. Johnson advised the court that all have been lodged with the Superior Court except 3 of the later cases.

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Court informed the parties that court appointed counsel have submitted to the court their billing records with costs and expenses directly attributable to problems caused by reporter Helyn Johnson's failure to file a correct/timely record in the above entitled actions. Currently, the amount exceeds \$7,000.00. Court staff is directed to provide Mr. Criego with copies of the billings submitted by court appointed counsel for his assessment.

Court also directs Mr. Criego and Ms. Johnson to provide the court with verification that all records for which Ms. Johnson is responsible are lodged with the superior court or filed with this Court.

After Mr. Criego has reviewed the records and given the Court an assessment with respect to the augmentation costs, the Court will take Mr. Criego's assessment into consideration in determining whether to impose community service in lieu of costs or a combination of fine and community service such as the Adult Offender Program.

The hearing on the above stated Orders to Show Cause is continued to April 3, 2001, at 10:00 a.m., and at that time the Court will review the options that were indicated during the hearing.

Mr. Criego requested the second letter submitted to the court regarding counseling be sealed. The Court Administrator/Clerk is directed to seal the letter regarding counseling.

Court Adjourned.

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**F036644      In re Makala T., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F033356      Sun World International, Inc. et al. v. Rayo Water Company et al.**

The judgment against TID is reversed. The judgment against Rayo Water is modified to eliminate prejudgment interest of \$69,066 and to reduce the total monetary judgment against Rayo Water to \$986,527. As so modified, the judgment is affirmed. Costs are awarded TID against Sun World. Rayo Water and Sun World shall bear their own costs. Buckley, J.

We concur: Thaxter, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036615      In re Jose G., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034265      People v. Soeun**

The judgment of conviction is affirmed. The matter is remanded to the trial court for resentencing consistent with the views expressed herein.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036664      People v. Quintana**

No brief having been filed by appellant after notice duly given under rule 17(c) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.